

30318. Adulteration and misbranding of honey cone, sweet cone, and honey dish. U. S. v. 14 Boxes of Honey Cone, 16 Boxes of Sweet Honey Dish (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 42296, 42321. Sample Nos. 10807-D, 10808-D, 12099-D, 12100-D.)

The products labeled "Honey Cone" and "Honey Dish" were found to contain little, or no, honey—saccharin and sugar having been substituted for honey as sweetening agents. In the product labeled "Sweet Cone" saccharin had been substituted in part for sugar.

On May 3 and May 9, 1938, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 boxes of sweet honey cones and 16 boxes of sweet honey dishes at Newark, N. J., and 896 cases of sweet cones at Atlantic City, N. J.; alleging that the articles had been shipped in interstate commerce within the period from on or about March 1 to on or about April 6, 1938, by United States Baking Co. from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that saccharin and sugar in place of honey had been substituted in whole or in part for honey cones and honey dishes, and in that saccharin and sugar in place of sugar had been substituted in whole or in part for sweet cones. Adulteration was alleged further in that the articles contained an added deleterious ingredient, saccharin, which might have rendered them injurious to health. Adulteration was alleged with respect to portions of the articles in that saccharin had been mixed and packed with them so as to reduce or lower or injuriously affect their quality.

They were alleged to be misbranded in that the statements on the labels, "Honey Cone," "Honey Dish," "Sweet Honey Cone," and "Sweet Crisp Cup Cone," were false and misleading and tended to deceive and mislead the purchaser when applied to articles which contained saccharin in all lots and contained little, or no, honey in the case of the honey cone and honey dish.

On February 1, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30319. Misbranding of cottonseed meal and cottonseed screenings. U. S. v. Temple Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 42509. Sample Nos. 4141-D, 4146-D.)

These products contained smaller percentages of protein and larger percentages of crude fiber than those declared on the label.

On May 26, 1938, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Temple Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment by said company on or about October 7 and October 8, 1937, from the State of Arkansas into the State of Kansas, of quantities of cottonseed meal and cottonseed screenings which were misbranded. The screenings were labeled in part: (Tag) "Quapaw Brand * * * Protein 41.00% * * * Fibre, not more than 12.00% * * * Manufactured by Temple Cotton Oil Company." The meal was labeled in part: (Tag) "Protein 41% * * * Crude Fibre, not more than 14% * * * Choctaw Sales Company * * * Kansas City, Missouri."

Misbranding was alleged in that the tags bore statements which were false and misleading, since they represented that the articles contained 41 percent of protein, that the screenings contained not more than 12 percent of fiber, and that the meal contained not more than 14 percent of fiber; whereas both articles contained less than 41 percent of protein, the former contained more than 12 percent of fiber, and the latter contained more than 14 percent of fiber.

On February 6, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30320. Adulteration of dried apricots. U. S. v. Consolidated Packing Co. Plea of guilty. Fine, \$100. (F. & D. No. 42609. Sample No. 17953-D.)

This product contained an excessive number of pieces of fruit showing mold and decay, also insect infestation and filth.

On December 22, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Consolidated Packing Co., a corporation, San Francisco, Calif., alleging shipment by said defendant in vio-

lation of the Food and Drugs Act on or about May 23, 1938, from the State of California into the State of Maryland of a quantity of dried apricots that were adulterated. The article was labeled in part: "California Apricots for Manufacturing Purposes."

It was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On January 7, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30321. Adulteration and misbranding of dried peaches. U. S. v. 19 Cases of Dried Peaches. Consent decree of condemnation and destruction. F. & D. No. 44902. Sample No. 36793-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be insect-infested. It also contained undeclared sulfur dioxide.

On February 24, 1939, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of dried peaches at Honolulu, T. H.; alleging that the article had been shipped on or about February 14, 1939, by American Factors, Ltd., from San Francisco, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Suni-Bel Brand Choice Peaches Packed by San Filippo Bros., Inc., San Jose, Calif."

Adulteration was alleged in that the article was infested with insects and contained undeclared sulfur dioxide.

It was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser since the label failed to declare the presence of sulfur dioxide and gave the impression that it consisted of pure standard dried peaches.

On February 25, 1939, the shipper having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30322. Adulteration of frozen whole eggs. U. S. v. 155 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. & D. Nos. 44850, 44851. Sample Nos. 20377-D, 20378-D, 20379-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination, was found to be in part decomposed.

On February 15, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 155 cans of frozen whole eggs at Los Angeles, Calif.; alleging that the article had been shipped on or about November 16, 1938, by the Market Produce Co. from Shreveport, La.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a decomposed animal substance.

On March 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30323. Adulteration of frozen fish. U. S. v. 86 Boxes of Ocean Perch and 195 Cases of Whiting. Default decrees of condemnation and destruction. (F. & D. Nos. 44714, 44829. Sample Nos. 31126-D, 31131-D, 34824-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination, a portion of the samples were found to show decomposition, and others, infestation with parasitic worms.

On January 23 and February 11, 1939, the United States attorneys for the Districts of Maryland and of Colorado, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 86 boxes of ocean perch at Baltimore, Md., and 195 cases of whiting at Denver, Colo., consigned by Gorton-Pew Fisheries Co.; alleging that the articles had been shipped in part on or about September 26, 1938, and in part on or about January 16, 1939, from Gloucester, Mass.; and